

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VINCENT DELGROSSO,

Plaintiff,

v.

THE CITY OF NEW YORK, et al.,

Defendants.

MEMORANDUM & ORDER

11-CV-4876 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiff Vincent Delgrosso commenced the above-captioned action on October 6, 2011, against Defendants City of New York, Detective Dominick Caminiti, Police Officer Dennis Maira and Police Officers John Joes 1–5, alleging violations of his rights under 42 U.S.C. §1983, the Fourth Amendment to the United States Constitution and New York state law. (Docket Entry No. 1.) Plaintiff amended the complaint on March 23, 2012, to add Defendants Detective Matthew Edelman, Detective Louis Tornio, Detective Anthony Ricci, Detective Mitchell Friedman, Sergeant Roger Perez and Sergeant Patrick Golden. (Docket Entry No. 9.) On December 14, 2012, Defendants filed a motion to enforce the oral settlement agreement between the parties, which motion was referred to Magistrate Judge Viktor Pohorelsky. (Docket Entry No. 38 and January 14, 2013 Court Order.) By Report and Recommendation dated August 26, 2013 (“R&R”), Judge Pohorelsky recommended that the Court grant Defendants’ motion to enforce the settlement agreement. (Docket Entry No. 53.) No objections were filed.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation

within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. New York State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s Report and Recommendation if the party fails to file timely objections designating the particular issue.”).

The Court has reviewed the R&R, and, finding no clear error, the Court adopts Judge Pohorelsky’s R&R in its entirety. Defendants’ motion to enforce the settlement agreement is granted.

SO ORDERED:

S/ MKB
MARGO K. BRODIE
United States District Judge

Dated: September 13, 2013
Brooklyn, New York